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February 22, 2019

Honorable Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Amadei et al. v. Nielsen et al.*, No. 17 Civ. 5967

Dear Judge Scanlon:

We represent Plaintiffs in the above-referenced matter and write jointly on behalf of the parties to request that the Court set a briefing schedule to evaluate the assertion of attorney-client privilege by U.S. Customs and Border Protection (“CBP”) over the document ICE 097-102, produced by U.S. Immigration and Customs Enforcement on December 28, 2018.

As the Court may recall, the parties’ joint status letter of February 7, 2019, ECF No. 88, refers to ongoing discussions concerning Defendants’ request to claw back portions of ICE 097-102 that they assert are privileged and were inadvertently produced and that Plaintiffs assert are not privileged. At the February 12 status conference, the Court instructed the parties that “[i]f you can’t wrap [] up [the privilege issue] by next week or by the 22nd, let me know.” Feb. 12 Hr’g Tr. 59:6-7.

The parties have continued to confer regarding the basis for CBP’s privilege assertion, but have reached an impasse. The parties therefore request that the Court enter a briefing schedule whereby Defendants will file a letter-motion not later than Friday, March 8, 2019, and Plaintiffs will respond by letter not later than Friday, March 15, 2019. Pursuant to Fed. R. Civ. P. 26(b)(5)(B), and given that the motion involves claims of privilege, the parties anticipate filing requests to seal their submissions.

Respectfully submitted,
s/ Joshua B. Picker
Joshua B. Picker

cc: All counsel (by ECF)